

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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SHEENAH ARENZ,

Plaintiff,

and

Case No: 19-CV-949-JPS

STATE OF WISCONSIN DEPARTMENT OF HEALTH  
SERVICES and UNITED HEALTHCARE,

Involuntary Plaintiffs,

v.

INMATE SERVICES CORPORATION and  
MARIUS NESBY,

Defendants.

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**DEFENDANTS' ANSWER TO PLAINTIFF'S  
AMENDED COMPLAINT AND AFFIRMATIVE DEFENSES**

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Defendants, Inmate Services Corporation and Marius Nesby by their attorneys,  
Crivello Carlson, S.C., answer plaintiff's amended complaint as follows:

1. Answering paragraph 1, only legal conclusions are contained in this paragraph to which no answer is required. To the extent an answer is required; alleges insufficient information to admit to the balance of these allegations and accordingly denies the same.
2. Answering paragraph 2, alleges insufficient information to admit these allegations and accordingly denies the same.
3. Answering paragraph 3, alleges insufficient information to admit these allegations and accordingly denies the same.

4. Answering paragraph 4, alleges insufficient information to admit these allegations and accordingly denies the same.

5. Answering paragraph 5, admit.

6. Answering paragraph 6, admit.

#### **FIRST CLAIM—ASSAULT AND BATTERY**

7. Answering paragraph 7, alleges insufficient information to admit these allegations and accordingly denies the same.

8. Answering paragraph 8, alleges insufficient information to admit these allegations and accordingly denies the same.

9. Answering paragraph 9, alleges insufficient information to admit that on or about April 12, 2018, plaintiff had an extradition hearing in Arizona and signed a waiver and accordingly denies the same. Affirmatively admit that Nesby, as an employee of Inmate Services Corporation began to transport plaintiff to Wisconsin on or about May 12, 2018.

10. Answering paragraph 10, deny.

11. Answering paragraph 11, deny.

12. Answering paragraph 12, deny.

13. Answering paragraph 13, deny.

14. Answering paragraph 14, deny.

15. Answering paragraph 15, alleges insufficient information to admit these allegations and accordingly denies the same.

## **SECOND CLAIM—THREAT OF FALSE IMPRISONMENT**

- 16. Answering paragraph 16, incorporate the responses to Paragraphs 1-15.
- 17. Answering paragraph 17, deny.
- 18. Answering paragraph 18, deny.

## **AFFIRMATIVE DEFENSES**

As and for affirmative defenses to the plaintiff's amended complaint, defendants assert the following:

- a. the injuries and damages sustained by Plaintiff, if any, were caused in whole or in part by the acts or omissions of the Plaintiff and her failure to mitigate;
- b. Plaintiff's claims may be barred by issue and/or claim preclusion;
- c. Plaintiff's claims or a portion of her claims may be barred by the applicable statute of limitations;
- d. this Court may lack jurisdiction over defendant Nesby by virtue of defective or insufficient service of process;
- e. the injuries and damages sustained by Plaintiff, if any, were caused in whole or in part by the acts or omissions of persons other than this answering defendant;
- f. the Complaint contains claims that fail to state a claim upon which relief may be granted;
- g. any and all injuries or damages sustained by Plaintiff are the result of an intervening and/or superseding cause preventing Plaintiff a right of recovery against this answering defendant;
- h. to the extent that Plaintiff presents claims under Wisconsin law, they are subject to the limitations, immunities and notice provisions contained within Wisconsin Statutes

§ 893.80;

i. Plaintiff has failed to state claims for and is not legally entitled to compensatory damages;

j. Plaintiff has failed to state claims for and is not legally entitled to punitive damages;

k. Substantial public policy considerations preclude a finding of liability.

l. Plaintiff may have failed to perform conditions precedent to the filing of this Amended Complaint;

m. Defendants reserve the right to invoke additional affirmative defenses as they may become known through further discovery in this action.

WHEREFORE, defendants respectfully request judgment as follows:

- a. for a dismissal of the Plaintiff's amended complaint upon its merits;
- b. for the costs and disbursements of this action;
- c. for such other relief as this Court deems just and equitable.

Dated this 10th day of July, 2019.

BY: s/ Steven McGaver

SAMUEL C. HALL, JR.

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SARA C. MILLS

State Bar No. 1029470

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Corporation and Marius Nesby

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